

State Water Resources Control Board

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Landmark Enforcement Action Taken against the City of Long Beach for Extensive Violations of Environmental Protection Standards

SACRAMENTO – The State Water Board has reached a settlement valued at \$6.2 million with the City of Long Beach for pervasive violations by the city of regulations concerning the storage of petroleum and waste oil in underground storage tanks. This enforcement action is the first of its kind against a public agency by the State Water Board. “The State Water Board will not tolerate violations of these important environmental protection laws and will take swift enforcement action against all violators, whether public or private,” said Reed Sato, Director of the State Water Board’s Office of Enforcement.

Since approximately 2003, the City of Long Beach has failed to perform required testing and monitoring, and failed to install leak prevention equipment at 40 of its underground storage tank facilities, many of which are located at city fire and police stations. These leak prevention requirements are designed to ensure that the hazardous substances stored in the tanks are not leaking and polluting valuable groundwater resources. At one facility located near the ocean, the State Water Board found that the city failed to stop a release of petroleum constituents that had been ongoing for several years. Current information indicates that the contamination was limited to the soil and was cleaned up without any impact to water quality. This action does not resolve any liability or responsibility that the city has to clean up leaks of petroleum or waste oil from its tank systems.

Under the terms of the settlement, the city will pay \$1.5 million in cash within 30 days, in addition to \$200,000 in reimbursement for the State Water Board’s costs of enforcement. The city is also required to provide \$2.5 million in financial assurance which will become due and payable to the State Water Board if the city violates the underground storage tank laws again during the next five years. The city did not deny responsibility for the violations.

The city will be credited \$2 million against additional penalties for actions it took after the initiation of enforcement to enhance compliance at its tank facilities above existing requirements, including the development of a comprehensive Compliance Management Program designed to prevent future noncompliance through careful oversight and tracking of environmental obligations.

In order to send the message to other underground tank owners and operators that this type of violation is significant and will not be tolerated, the settlement requires that the city take out a full page advertisement in the Sunday edition of the Long Beach Press Telegram. “Over the next year, the State Water Board’s Office of Enforcement, with the assistance from U.S. EPA, will be carefully reviewing underground storage tank compliance at all state, local, and federally owned underground tank facilities,” said Mr. Sato. “Our case against the City of Long Beach simply highlights how important it is that we not forget that publicly-owned tanks pose just as big of a risk to the environment as privately-owned tanks.”

The State Water Board was represented by the Attorney General’s Office in this enforcement case and a copy of the complete settlement, which was filed with the Los Angeles County Superior Court, can be found on the State Water Board’s website at: http://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/index.shtml

